

RESOLUTION NO. 84-113

A RESOLUTION DECLARING THE INTENT OF THE DELTA CITY COUNCIL TO ACCEPT DEDICATION OF THE WHITE SAGE PARKS AND AUTHORIZING PREPARATION OF DOCUMENTS FOR DEDICATION OF SAID PARKS AND AUTHORIZING PURCHASE OF INSURANCE COVERAGE FOR ACTIVITIES AT WHITE SAGE REGIONAL PARK.

RECITALS

The City Council of the City of Delta, Utah, referred to herein as the "City Council," hereby recites the following as the basis for adopting this resolution:

A. Intermountain Power Agency (referred to herein as "IPA"), as part of its overall impact alleviation program, constructed the recreational facility located in the White Sage annexation area east of Delta, commonly referred to as the "White Sage Regional Park." IPA also constructed a smaller park commonly known as the "White Sage Neighborhood Park" within the White Sage annexation.

B. Delta City agreed to accept dedication of both parks after the parks had been completed and landscaped and were ready for use and occupancy. Delta further agreed that after acceptance of the dedication of said parks, that Delta City would be responsible for operation and maintenance of the parks and would be subject to any liabilities resulting from such operation and maintenance.

C. IPA and Delta City anticipated that the parks would be completed by June 1, 1984. Consequently, Delta City took possession of said parks in the spring of 1984, by agreement with IPA, to provide facilities for conduct of Delta City's parks and recreation programs.

D. Environmental conditions proved to be unsuitable for the landscaping installed in the White Sage Regional Park (hereafter referred to as the "Regional Park"). As a result, there has been significant loss of turf and other landscaping. Furthermore, it appears that environmental conditions at the park may have to be substantially modified to accommodate the type of turf and other landscaping included within the park design.

E. Other minor repairs and improvements need to be made to both the White Sage Neighborhood Park and the Regional Park in order for said parks to conform to the design documents heretofore approved by IPA and Delta City.

F. IPA has requested that Delta City accept dedication of both the White Sage Neighborhood Park and the Regional Park

and has offered assurances to Delta City that all necessary repairs and construction will be completed at the parks. In addition to other repair and construction work needed, IPA has assured Delta City that sufficient environmental modification as will be necessary to assure growth of such lawn grass and other appropriate landscaping at the Regional Park.

G. The City Council has determined that it will accept dedication of such parks upon receipt of a written agreement providing for the repairs and improvements described above.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Delta, Utah:

1. Acceptance of Dedication. The Delta City Council hereby declares its intention to accept dedication of both the White Sage Regional Park and the White Sage Neighborhood Park from IPA so that both parks can be included in the Delta City parks and recreation system. The City Council further declares that it will accept dedication of said parks when the terms of this resolution have been met.

2. Conditions to Acceptance. The City Council hereby directs the Mayor, with the assistance of the City Manager and such staff and consultants as may be necessary, to review the improvements yet to be completed in the White Sage Neighborhood Park and the Regional Park and to identify such further work as may be necessary to insure that the Regional Park will be viable for planting of lawn grasses and other appropriate landscaping, or such alternative improvements as may be mutually agreed between IPA and Delta City. Further authorization is given for the Mayor, with such assistants as he may direct, to negotiate an agreement with IPA whereby IPA, upon offering of a deed of dedication to said parks to Delta City, will also execute an agreement providing that it will complete the improvements to said parks such that the improvements comply with the design criteria heretofore approved by Delta City and IPA. The agreement shall further provide that the Regional Park will be suitable for growing of such lawn grasses and other appropriate landscaping as may be reasonably necessary for operation and use of said parks, or provide for such alternatives as may be mutually acceptable to IPA and Delta City. The terms of the agreement shall provide that all of the facilities within the White Sage Neighborhood Park and the Regional Park will be subject to a warranty for replacement of all defective materials and workmanship within a period of at least one year from acceptance of dedication. The warranty shall specifically provide, however, that the lawn grasses and other landscaping at the Regional Park shall be improved such that they can be grown there with normal care and maintenance, whether or not such improvements can be completed

within one year, unless IPA and Delta City have agreed to an alternative solution to landscaping of the Regional Park.

3. Liability. The Mayor and such assistants as he may direct are further instructed to negotiate as a term of the agreement described in Section 2 above that the liability for operating all programs and activities at the Regional Park and White Sage Neighborhood Park shall be borne by Delta City after the acceptance of dedication of the parks, except for the duty of IPA to conduct such further improvements and warranty work to the improvements and landscaping as may be set out in the described agreement. The City Manager is instructed to immediately obtain public liability and property damage insurance specifically insuring against any loss, injury or damage sustained by third persons from use of the parks specified herein.

4. Effective Date. This resolution shall become effective upon adoption.

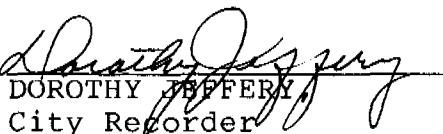
5. Severability. In the event that any provision of this resolution less than the entire resolution is held invalid by a court of competent jurisdiction, this resolution shall be deemed severable and such finding of invalidity shall not affect the remaining portions of this resolution.

6. Repeal of Conflicting Resolutions. To the extent that any resolutions or policies of the City of Delta conflict with the provisions of this resolution, they are hereby amended to be in accordance with the provisions hereof.

PASSED AND APPROVED THIS 27th day of August, 1984.


GRANT S NIELSON, Mayor

Attest:


DOROTHY JEFFERY
City Recorder